

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KWAME KILPATRICK, ET AL,

Defendants.

Case No. 10-20403

Honorable Nancy G. Edmunds

TRIAL CONDUCT ORDER NO. 1

This matter is ready for trial, and the Court will soon begin the process of selecting a jury. With that in mind, the Court is providing an overview of the jury selection and trial proceedings, and its specific orders governing contact with prospective jurors and selected jurors, the media and public conduct, courtroom procedures and decorum.

A. Overview - Jury Selection Proceedings

Preliminary court proceedings dealing with jury selection begin Wednesday, August 8, 2012, when approximately 400 jurors will report to the Theodore Levin United States Courthouse in Detroit, Michigan, to fill out the Jury Questionnaire prepared for this case. There will be two identical brief court sessions starting, respectively, at approximately 9:00 a.m. and 1:00 p.m. in Room 115, where the Court will preliminarily instruct the prospective jurors about the case and explain the Juror Questionnaire. Defendants, their attorneys, and attorneys for the government will be in **Courtroom 858** watching and listening to the proceedings in Room 115 via 2-way closed circuit television (CCTV); prospective jurors will

also be able to see Defendants, counsel, and others in the Courtroom.

After each session, Room 115 will be sealed to allow the prospective jurors to complete the Juror Questionnaire.

A blank copy of the Juror Questionnaire will be available on the Court's web site, www.mied.uscourts.gov, after the completion of the afternoon session.

Although these proceedings are open to the public, because the number of jurors for each session exceeds the seating capacity of Room 115, no public seating will be available in that room. Limited seating for credentialed media and the public will be available in **Courtroom 858**. The Court's media room, located on the second floor of the Courthouse, Room 214, will be available for properly credentialed media, but there will be no live audio and video feed on August 8, 2012.

After August 8, 2012, the next court proceeding dealing with jury selection will be on Monday, August 20, 2012 at 1:30 p.m. and will continue, if needed, on Tuesday, August 21, 2012 at 1:30 p.m., when the Court will consider "for cause" challenges to potential jurors based on questionnaire answers, and will finalize the list of prospective jurors who will return for individual questioning (voir dire).

Jury selection will then begin on Thursday, September 6, 2012, at 9:00 a.m. in **Courtroom 858**, which will be the Courtroom in which all trial proceedings will be conducted. Notified prospective jurors will report in small groups for voir dire. After a juror has been questioned, the parties will raise any challenges to that juror's qualifications. It is anticipated that opening statements will begin on Friday, September 14, 2012, at 9:00 a.m. Check the Court's website (provided above) for updates.

Please see Section B.2 for restrictions the Court places on the media during all jury selection proceedings.

B. Overview - Trial Proceedings

Trial will be held in **Courtroom 858**. It is anticipated that opening statements will begin on Friday, September 14, 2012, at 9:00 a.m. Check the Court's website for updates.

During trial, the first bench behind the government's table is reserved for the government. The first bench behind the defense table is reserved for the Marshals. Limited seating in **Courtroom 858** is also reserved for Defendants' families and friends, and for credentialed media. (All media representatives are to check in each day at 7:30 a.m. with the Court's Media Information Officer, Rod Hansen, Room 840, for the appropriate media credentials. This information is also subject to change, so please check the Court's website daily for updates.) The remaining seating in **Courtroom 858** will be unreserved and available to the public on a first come basis.

Overflow seating will be available in another Courtroom in the Courthouse. Check the Court's web site for the correct room number. The Court's media room, located on the second floor of the Courthouse, Room 214, will be available for properly credentialed media. A live audio and video feed of all proceedings, starting with opening statements, will be provided in both the overflow and media rooms. Cameras for the video feed will be fixed on the witnesses, counsel, and the Court, and will not focus on the jury. A Court Security Officer will be present in the overflow courtroom and the media room at all times when the Court is in session to ensure compliance with this Court's orders.

Trial proceedings are presently scheduled for Monday through Friday from

approximately 9:00 a.m. to 1:00 p.m. in **Courtroom 858**, however, the schedule remains subject to change. The authorized source of information about the trial schedule, including updated information, late openings and cancellations due to weather or other problems, is the Court's web site, www.mied.uscourts.gov.

Any problems with, or questions about the media's courtroom access are to be raised with Rod Hansen, the Court's Media Information Officer, who can be reached at (313) 234-5421, in Room 840 at the Courthouse, or at Rod_Hansen@mied.uscourts.gov.

Persons interested in obtaining transcripts of the trial should contact the Court Reporter, Suzanne Jacques at jacques@transcriptorders.com. Requests for daily transcripts, to be available the following day, should be made by 5:00 p.m. on the day of the trial for which a transcript is requested.

To ensure the integrity of jury selection and trial, the Court **ORDERS**:

1. Contact with Prospective Jurors or Jurors

Contact with prospective jurors or jurors is strictly prohibited. No one may in any respect attempt to or actually contact, interview, communicate with or speak to any prospective juror – who appeared on August 8, 2012 to fill out the Juror Questionnaire or on any subsequent date – about this case or that person's status as a prospective juror until that juror has been excused from service.

No one may in any respect attempt to or actually contact, interview, communicate with or speak to any of the 18 selected jurors about any issue in this case or that person's status as a juror, until the trial has been concluded and the juror has been discharged from service.

Because of the intense media and public interest in this case, the prospective jurors who answer the Juror Questionnaire, as well as the jurors ultimately chosen to hear this case, will remain anonymous to the public; their completed Juror Questionnaires will remain under seal.

During the jury selection proceedings or trial, no sketch artist or other trial observer may depict the facial features or hair of any prospective juror or juror, or otherwise display sufficient detail to enable that person to be identified. No one may photograph or televise any prospective juror or selected juror, in the vicinity of the Courthouse, in such a way that the person can be identified.

No one observing either the pretrial jury selection proceedings or the trial may attempt in any way to influence or intimidate any juror or prospective juror through any means, including wearing or carrying any clothing, buttons, or other items that may be clearly visible to the jury and that carry any message or symbol addressing any issues related to this case.

2. Electronic Devices

Only law enforcement agents and counsel will be permitted to have cell phones, PDA devices, laptop computers, or other electronic devices in **Courtroom 858**, and these must remain silent while in the Courtroom or the overflow courtroom. Counsel may use cell phones in the designated areas of the Courthouse. See Eastern District of Michigan Local Rule 83.31(c), (e), and (f).

Properly credentialed media will be permitted to have laptops in the overflow and media rooms. **However**, no media representatives will be permitted to have laptops or any

electronic device of any sort in the Courthouse during any of the jury selection proceedings. The media is not permitted to blog about jury selection or otherwise provide any detail that may enable a prospective juror to be identified.

No one viewing these proceedings in this Courthouse may bring into the Courthouse any cameras, electronic recording, or communication devices of any kind. No cameras or recording devices may be used in **Courtroom 858**, the overflow courtroom, or the media room. No member of the public or the media may record or transmit, or attempt to record or transmit, any court proceedings in any manner. Any violation of this prohibition may result in the banning of all laptops or recording devices or the closing of the media room for the duration of the trial. The Court will enter contempt sanctions against any violator, and if attending in the capacity of an employee or agent, the Court may enter sanctions against the employer or principal.

3. Courtroom Decorum

Courtroom 858 will be open 45 minutes before each court session. To minimize disruptions in the Courtroom, all media personnel and other spectators should be seated ten minutes before each session, and absent emergencies, should remain seated throughout the proceedings until court recesses. No one except working court staff, assigned counsel, and those assisting assigned counsel will be permitted to enter the Courtroom once proceedings, including voir dire and the trial, begin. This applies to everyone, including members of the press and the general public.

No beverages or food (other than water at counsel table or the witness stand) are allowed in the Courtroom.

No conversations or disruptive gestures are permitted in the Courtroom.

Failure to comply with these rules will result in removal from the Courtroom.

4. Court Authorized Media ID Badges

Media representatives covering the trial from inside the Courthouse must obtain a court authorized media ID badge and publicly display their ID throughout trial coverage. On entering the Courthouse, media representatives must be screened as is required of all public visitors.

Media representatives must register for a court authorized ID badge by completing the form available on the Court's internet site, www.mied.uscourts.gov and follow the directions on the website for obtaining proper credentials from Rod Hansen, the Court's Media Officer. Rod Hansen can also be reached at the Courthouse, in Room 840, by calling (313) 234-5421, or by emailing him at Rod_Hansen@mied.uscourts.gov.

Issued badges will be specific to the coverage of *United States v. Kilpatrick, et al.*, Case No. 10-20403, until trial concludes. The badges may not be duplicated or shared. When the trial concludes, media badges must be returned to Rod Hansen.

Violations of these protocol requirements, orders or directives of the Court, or directives of law enforcement officers will result in the revocation of ID badges and media coverage privileges.

Limited reserved seating will be available in **Courtroom 858** for media representatives displaying pre-approved credentials for that day's court proceedings. Other media representatives with a media ID badge may view court proceedings from either the overflow courtroom or the media room on the second floor of the Courthouse, Room 214. After jury

selection proceedings have been completed, laptops may be used in the media room, so long as the rules prohibiting recording proceedings is strictly observed.

5. Restrictions on Interviews and Outside Media Area

To assist with overall security and general public access to the Courthouse, the Court has designated the usual outside area for media use throughout the trial – the north side of Lafayette, across from the Courthouse. This is the only area where interviews, still pictures, and film coverage can be activated and conducted.

Public gatherings are allowed on the public sidewalks surrounding the Courthouse. At no time should public access to the Courthouse be restricted by media covering events.

No member of the media shall attempt to secure an interview or conduct an interview in the Courthouse or in any area which prevents ingress to and egress from the Courthouse.

At no time may any attorney or party otherwise affiliated with this case hold a press conference in the Courthouse, on the front or rear steps of the Courthouse, or at any point of ingress or egress from the Courthouse.

Parking of the media's equipment trucks is the responsibility of media personnel and must abide with all security measures.

The need of the Court to conduct the trial in a safe and orderly fashion may result in the modification of these requirements. Check the Court's website, www.mied.uscourts.gov for updates.

6. Violations

Any violation of this Order by any member of the media will result in an immediate loss

of courtroom seating credentials for that person and all employees of his or her media organization for the duration of the trial.

Any person who violates this Order may be subject to criminal prosecution for obstruction of justice or contempt of court.

The United States Marshal and his Deputies are responsible for maintaining order and decorum in the courtrooms and the Courthouse. All orders given by the Marshal or his deputies are deemed orders of this Court and must be complied with immediately. Failure by any person to do so will subject him/her to sanctions by the Court.

IT IS SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 1, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 1, 2012, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager